

## **REMARKS**

In response to the Office Action dated December 12, 2007, claims 16 and 46 have been amended. 1-20, 23-50, and 53-60 remain in the application. Reconsideration of the application, as amended, is requested.

Claims 16 and 46 are rejected under 35 USC 112, second paragraph as lacking antecedent basis for the term “the recorded subset of.” That phrase has now been deleted and the claims have been clarified to indicate that the recorded game play outcomes include intermediary outcomes, as well as final outcomes. This is supported in the specification on page 19, line 19 to page 20, line 5. Withdrawal of the rejection is requested.

Claims 1-7, 13-20, 23, 29-37, 43-50, 53 and 60 are rejected under 35 USC 103(a) as unpatentable over Walker et al (“Walker”) in view of Boushy, both of record.

Walker discloses an electronic amusement device and a method for operating the device are disclosed. A slot machine server controls a secondary game of chance played at a client slot machine. The server receives a player identifier corresponding to a player and a client identifier corresponding to a client slot machine. The server retrieves registration data relating to a secondary game of chance corresponding to the player identifier and the client identifier. The server further receives an outcome from the client slot machine and analyzes the outcome based on game requirements associated with the secondary game of chance, thereby determining whether the outcome satisfies at least one of the game requirements. Once all of the game requirements have been satisfied, the server updates a session status indicating the completion of the game requirements.

Boushy discloses a system and method for implementing a customer tracking and recognition program that encompasses customers’ gaming and non-gaming activity alike at a plurality of affiliated casino properties. Customer information is accumulated at each affiliated casino through one or more LAN-based management systems, updated to a central patron database (CPDB) that is coupled to each casino LAN through a WAN, and made available to each affiliated casino property as needed. Customer accounts are automatically activated and provided with data from the CPDB when a customer from one casino property first visits an

affiliated casino property. Customer accounts are updated with new activity data whenever a management system associated with the casino receives customer data from input devices, such as card readers, workstations, and dumb terminals, located at various venues throughout the casino. Customers are awarded points, based on their tracked activity at all affiliated casino properties. The point awards have a monetary value and are redeemable for gifts, meals, cash and the like, at any of the casino properties. The point awards may embody different promotional schemes in which point awards are adjusted to target different casino properties or different venues within a casino. Summary customer data, including point levels, is regularly updated to reflect ongoing customer activity at the casino property. This data is made available to employees at any affiliated casino property, as needed, to personalize customer services.

Boushy and Walker are both deficient in receipt of game play outcomes from a plurality of game play outcomes which include intermediary outcomes. Basing awards on the amount wagered by a player, as shown in Boushy, is not analogous to keeping track of intermediate game outcomes.

In the final rejection, page 11, the examiner states in response to applicants' argument that the references fail to show certain features of the invention, that the features upon which applicant relies (i.e. intermediate outcome) are not recited in the rejected claims. However, the independent claims 1, 16, 31 and 46 all recite the receipt of intermediary game outcomes in the game play or apparatus. At least that feature of the invention, not shown or suggested by the art relied upon, is thus recited in every claim.

It is therefore submitted that the combination of Walker and Boushy does not form a prima facie case of obviousness. It is respectfully requested that the rejection be withdrawn.

Claims 8-12 and 38-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Walker, Boushy, and further in view of Acres, U.S. Patent No. 6,319,125 (Acres). This rejection is respectfully traversed. Acres discloses a method and apparatus for controlling a bonusing promotion system using a bonus server interconnected to a plurality of gaming devices is described. A percentage of a wager played on each gaming device is accumulated into a bonus pool stored on the bonus server. The bonus pool is compared to a threshold value stored on the bonus server each time the bonus pool changes. One of the gaming devices is selected when the threshold value is substantially met. A bonus prize funded by the bonus pool is awarded to the

selected gaming device. Acres does not remedy the deficiencies of the primary references discussed above.

These dependent claims incorporate the limitations of their related independent claims, and are therefore patentable at least on this basis.

Claims 24-28 and 54-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Walker, Boushy, Acres, and further in view of McCrea, Jr., U.S. Patent No. 6,346,044 (McCrea). Applicants respectfully traverse this rejection.

McCrea discloses a game table system, adapted for multiple sites under a central control, for providing a progressive jackpot in a live card game played at each gaming table between a dealer and a player. Each gaming table has an ante bet region, a dealer card region, and a player card region. The game table system of the present invention includes a sensor located at each bet region for detecting the value of the ante placed by the player at that location, a reader identifying each card dealt during the play of the game to the player and to the dealer, a computer connected to the sensor and the reader and the progressive jackpot for adding a predetermined percentage of the value of the ante to the progressive jackpot when a predetermined game event (such as the dealer going bust during the game of blackjack) occurs while preserving the value of the ante during the conventional play of the game. The computer, under the teachings of the present invention, awards the progressive jackpot to the player with a winning sequence of cards during the play of the game. The play, however, continues with the other players. McCrea does not remedy the deficiencies of the primary references discussed above.

These dependent claims incorporate the limitations of their related independent claims, and are therefore patentable at least on this basis.

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the examiner believe that minor matters still remain that can be resolved in a telephone interview, the examiner is urged to call applicants' undersigned attorney.

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Respectfully submitted,  
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